IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3204 of 1994

Between:

The Management of Singareni Collieries Co., Ltd., Bellampalli Area, Adilabad Dist., rep. by its Chief General Manager (Projects), Bellampalli.

... PETITIONER

AND

1) The Presiding Officer, Industrial Tribunal-I, Chandra Vihar M.J. Road,

Hyderabad.
2) Workmen of Singareni Collieries Co. Ltd., rep. by the Chief Vice

President, Singareni Collieries Workers' Union (AITUC)
Bellampalli-504 251, Adilabad District (AP).

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of WRIT OF CERTIORARI after calling for the records from the first respondent in I.D.No. 18 of 1989 and quash the Award passed therein dated 4th September, 1993, and pass such other order or orders which the Court may deem fit and proper in the circumstances of the case.

For the Petitioner: Mr. K.Srinivasa Murhty, Advocate.

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for Respondent No.2: Mr.R.N.Reddy, Advocate.

The Court made the following:

O R D E R:

Heard both sides.

2. The present writ petition is filed by the management challenging the Award of the Industrial Tribunal-I, Hyderabad (for short "the tribunal") in I.D.No.18/1989 dated 4-9-1993.

3. This is a case of termination of the employee by way of striking his name.

4. The tribunal having gone into the merits of the case, and also basing on the evidence, both oral and documentary on record, found that the employee was entitled for reinstatement with full back wages with continuity of service. Hence, the present writ petition is filed by the management.

5. The entire impugned award and the reasoning given by the tribunal need not be gone into, at this juncture, for the reason that certain admissions made by Lw-1 in the cross examination were extracted which is the basis for the tribunal to arrive at the above said conclusion.

6. For the sake of benefit, it is re-extracted as under: -

> ``The management did not put the names of Sri P.Sanjeevaiah in the Badli list. We have violated the Standing Orders of the Company. After 1982, fresh candidates were appointed as Electricians in Bellampalli. The Management did not send any notice to Sri P.Sanjeevaiah to join as Badli Electrician. The Management did not issue any charge sheet to Mr.Sanjeevaiah under the Standing Order 16(16). The Management did not conduct any enquiry in this case but the management sent the termination letter to Sri Sanjeevaiah home address. The management did not pay any retrenchment compensation as per Section 25F of the I.D.Act. The management did not send any registered notice to Sanjeevaiah while recruiting new persons as Electricians as per the provisions of I.D.Act. The management did not file any Visa before this Tribunal".

7. From the above, it is clear that the violations have been admitted by the management, in which event, the tribunal had no other option, but to pass an award directing the management to reinstate the workman with full back wages and continuity of service.

8. All the questions of fact have been gone into by the Tribunal and the said exercise cannot be done by this Court sitting under Article 226 of the Constitution of India.

9. The writ petition fails and is liable to be dismissed.

10. In the result, the writ petition is dismissed. No costs.

Sd/- (C.V.RAMA KRISHNA)

ASSISTANT REGISTRAR

//TRUE COPY//

Section Officer

16th July, 2004

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To

1) The Presiding Officer, Industrial Tribunal-I, Chandra Vihar M.J. Road,

Hyderabad.

2) 2CCs to G.P for Social Welfare, High Court of A.P.,Hyd.(OUT)

3) 2CD copies